DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kristofer E. Elbing on April 10, 2009.

The application has been amended as follows:

With respect to independent claim 2:

Claim 2. (Currently amended) A spectral acquisition ~~system~~ apparatus, comprising:

an exploration subsystem operative to repeatedly expose different interior portions of a three-dimensional sample while the sample remains in a same position, wherein the exploration subsystem includes a cutting implement and a guide,

a spectral acquisition subsystem operative to acquire images of each of the interior portions exposed by the exploration subsystem: while the sample remains in the same position, wherein the exploration subsystem is operative in the field of view of the spectral acquisition system, and

a control module operative to control the exploration subsystem, and an analysis module for assembling the acquired spectral images into a three- dimensional data representation that includes spectral information for positions in three spatial dimensions.

With respect to independent claim 28:

Claim 28. (Currently amended) A spectral acquisition ~~system~~ apparatus, comprising:

means for holding a friable pharmaceutical tablet,

means for repeatedly exposing interior portions of the friable pharmaceutical tablet while the friable pharmaceutical tablet remains in a same position, wherein the means for exposing includes a cutting implement and a guide,

means for repeatedly obtaining spectral images of the exposed interior portions: while the friable pharmaceutical tablet remains in the same position, wherein the means for repeatedly obtaining is operative to obtain a set of images of the exposed interior portions of the tablet, and

means for assembling the obtained spectral images into a three-dimensional data representation that includes spectral information for positions in three spatial dimensions.

In Abstract:

ABSTRACT OF THE DISCLOSURE

~~Disclosed in one aspect is a~~ A spectral acquisition method ~~that~~ includes actively processing a sample, such as a an opaque, friable pharmaceutical dosage unit, to expose characteristics of interior portions of the sample, and acquiring spectral information from the interior portions.

Allowable Subject Matter

2. Claims 2 – 3, 5, 7 – 10, 12 – 16, 18 – 20, 22 – 24, 26 – 40, 42 – 45, 47 – 51, and 53 are allowed.

3. The following is an examiner's statement of reasons for allowance:

With respect to independent claim 2, the prior art of record fails to teach a spectral acquisition apparatus, comprising:

an exploration subsystem operative to repeatedly expose different interior portions of a three-dimensional sample while the sample remains in a same position, wherein the exploration subsystem includes a cutting implement and a guide.

With respect to independent claim 16, the prior art of record fails to teach a spectral acquisition method, comprising:

repeatedly actively processing a sample to expose characteristics of interior portions of the sample; in a series of steps of processing while the sample remains in a same position.

With respect to independent claim 23, the prior art of record fails to teach a spectral acquisition method, comprising:

actively processing a sample to expose characteristics of interior portions of the sample; while the Sample remains at a same position in a series of steps of actively processing, acquiring spectral information from the interior portions of the sample exposed in the step-of exposing steps of actively processing while the sample remains at the same position.

With respect to independent claim 28, the prior art of record fails to teach a spectral acquisition apparatus, comprising:

means for holding a friable pharmaceutical tablet, means for repeatedly exposing interior portions of the friable pharmaceutical tablet while the friable pharmaceutical tablet remains in a same position, wherein the means for exposing includes a cutting implement and a guide.

With respect to independent claim 35, the prior art of record fails to teach a spectral acquisition method comprising,

removing further material from the tablet while the tablet remains at the first position within the field of view in one or more further steps of removing,

acquiring a further spectral image of the tablet by the acquisition system after each further step of removing, while the tablet remains at the first position within the field of view.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KIHO KIM whose telephone number is (571)270-1628. The examiner can normally be reached on Monday - Friday 8:00 a.m. - 5:00 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David P. Porta can be reached on (571)272-2444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David P. Porta/
Supervisory Patent Examiner, Art Unit 2884

/K. K./
Examiner, Art Unit 2884